

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

400Q0366

## HOUSE BILL NO. 1079

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the sex offender  
2 registry.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-24B-2 be amended to read as follows:

5 22-24B-2. Any person who has been convicted for commission of a sex crime, as defined  
6 in § 22-24B-1, shall register as a sex offender. The term, convicted, includes a verdict or plea  
7 of guilty, a plea of nolo contendere, and a suspended imposition of sentence which has not been  
8 discharged pursuant to § 23A-27-14 prior to July 1, 1995. Any juvenile fifteen years or older  
9 shall register as a sex offender if that juvenile has been adjudicated of a sex crime as defined in  
10 § 22-22-7.2, 22-24B-1(1), or 22-24B-1(9), or of an out-of-state or federal offense that is  
11 comparable to the elements of these three sex crimes or any crime committed in another state  
12 if the state also requires a juvenile adjudicated of that crime to register as a sex offender in that  
13 state. The term, adjudicated, includes a court's finding of delinquency, an admission, and a  
14 suspended adjudication of delinquency which has not been discharged pursuant to § 26-8C-4  
15 prior to July 1, 2009. The sex offender shall register within five days of coming into any county



1 to reside, apply for or receive a South Dakota driver license, register a motor vehicle, establish  
2 a postal address, register to vote, temporarily domicile, attend school, attend postsecondary  
3 education classes, or work. Registration shall be with the chief of police of the municipality in  
4 which the sex offender resides, domiciles, attends school, attends classes, or works, or, if no  
5 chief of police exists, then with the sheriff of the county. A violation of this section is a Class  
6 6 felony. Any person whose sentence is discharged under § 23A-27-14 after July 1, 1995, shall  
7 forward a certified copy of such formal discharge by certified mail to the Division of Criminal  
8 Investigation and to local law enforcement where the person is then registered under this  
9 section. Upon receipt of such notice, the person shall be removed from the sex offender registry  
10 open to public inspection and shall be relieved of further registration requirements under this  
11 section. Any juvenile whose suspended adjudication is discharged under § 26-8C-4 after July 1,  
12 2009, shall forward a certified copy of the formal discharge by certified mail to the Division of  
13 Criminal Investigation and to local law enforcement where the juvenile is then registered under  
14 this section. Upon receipt of the notice, the juvenile shall be removed from the sex offender  
15 registry open to public inspection and shall be relieved of further registration requirements under  
16 this section.